

**ASHEBORO CITY COUNCIL
REGULAR MEETING
THURSDAY, JUNE 5, 2008
7:00 p.m.**

This being the time and place for a regular meeting of the City Council, a meeting was held in the City of Asheboro Public Works Facility Conference Room located at 1312 North Fayetteville Street, Asheboro, North Carolina with the following officials and members present:

David H. Jarrell) – Mayor Presiding

Talmadge S. Baker)
Edward J. Burks)
Linda H. Carter)
J. Keith Crisco) – Council Members Present
Walker B. Moffitt)
Archie B. Priest, Sr.)
David H. Smith)

John N. Ogburn, III, City Manager
Edsel L. Brown, Code Enforcement Officer
Dumont Bunker, P.E., City Engineer
Richard L. Cox, Jr., Community Planning and Development Department Intern
Holly H. Doerr, City Clerk/Senior Legal Assistant
John L. Evans, Planner
R. Wendell Holland, Jr., Zoning Administrator
Deborah P. Juberg, Finance Director
R. Reynolds Neely, Jr., Planning Director
Ralph W. Norton, Police Captain
O. Lynn Priest, Community Development Director
A. Todd Stout, Information Technologist
Jeffrey C. Sugg, City Attorney

1. Call to order.

A quorum thus being present, Mayor Jarrell called the meeting to order for the transaction of business and business was transacted as follows.

2. Invocation and Pledge of Allegiance.

Mayor Jarrell asked everyone to stand and repeat the Pledge of Allegiance, after which Mayor Jarrell asked everyone to observe a moment of silence.

3. Appearance and Recognition of guests and citizens.

Mayor Jarrell welcomed everyone in attendance.

4. Consent Agenda.

At the request of city staff and upon motion by Ms. Carter and seconded by Mr. Crisco, Council voted unanimously to continue the following consent agenda items to a special meeting of the Council that is to be held on June 12, 2008.

(d) Findings of fact, conclusions of law, and order in the matter of CUP-08-04.

(e) Findings of fact, conclusions of law, and order in the matter of CUP-08-19.

Upon motion by Mr. Crisco and seconded by Mr. Priest, Council voted unanimously to approve the following consent agenda items:

(a) The minutes of the regular meeting of the City Council held on May 8, 2008.

(b) Findings of fact, conclusions of law, and order in the matter of SUP-08-01.

Case No. SUP-08-01
City Council
City of Asheboro

**IN THE MATTER OF THE APPLICATION OF AGAPE CHRISTIAN ACADEMY FOR A SPECIAL USE
PERMIT ALLOWING A SCHOOL IN A RESIDENTIAL DISTRICT**

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING THE REQUESTED
SPECIAL USE PERMIT**

THIS MATTER came before the Asheboro City Council (hereinafter referred to as the "Council") for hearing during a regular meeting of the Council on April 10, 2008. Having considered all competent evidence and argument, the Council, on the basis of competent, material, and substantial evidence, does hereby make the following:

FINDINGS OF FACT

1. Agape Christian Academy (hereinafter referred to as the "Applicant") has properly filed an application with the City of Asheboro Planning Department for a Special Use Permit that would allow a private elementary school to be located in a residential district.
2. The lot upon which the proposed school is to be established (hereinafter referred to as the "Zoning Lot") is located along Browers Chapel Road and encompasses approximately 20.579 acres of land. This 20.579-acre lot is more specifically described as Lot 2 on a plat that is recorded in Plat Book 115, Page 73, Randolph County Public Registry.
3. The Zoning Lot is located in an R-10/R-15 zoning district. Public and private elementary schools are permitted in R-10 and R-15 zoning districts by special use permit only.
4. The Growth Strategy Map identifies the area in which the Zoning Lot is located as "Long Range Growth," and the Proposed Land Development Plan Map designates the area in question as "Neighborhood Residential."
5. The land uses to the north, south, and east are low-density residential, while the land use to the west is low-density residential/undeveloped. The existing use of the Zoning Lot is a single-family residential land use and undeveloped land.
6. The Zoning Lot is located outside the corporate limits of the City of Asheboro, and city services (water and sewer) are not available.
7. The Applicant proposes to ultimately establish an elementary school for Kindergarten through Eighth Grade with an enrollment of sixty (60) students, but the current plans call for a school for Kindergarten through Fifth Grade with an enrollment of forty (40) students.
8. Browers Chapel Road (North Carolina Secondary Road 2826) is a state-maintained minor thoroughfare.
9. The driveway for the school, as shown on the submitted site plan, does not require the issuance of a new driveway permit from the North Carolina Department of Transportation.
10. The Asheboro Zoning Ordinance allows planning department staff to review and approve alternative buffering that includes the use of existing vegetation to meet buffering requirements. The planning department staff has reviewed the alternative buffering shown on the submitted site plan, and this alternative buffering has been approved in accordance with the Asheboro Zoning Ordinance.
11. Overall, the Applicant's site plan is in compliance with the Asheboro Zoning Ordinance.
12. Two realtors, Ms. Joyce Davis and Ms. Burt Garris, offered their expert opinions that the proposed land use will not have a negative impact on the value of property adjoining the Zoning Lot.
13. The testimony presented in opposition to the requested permit consisted of generalized concerns about the impact of the proposed use on traffic in the area and the impact of the proposed use on environmental concerns such as the level of the water table for surrounding wells and the degree of disturbance that will be visited upon the surrounding woods by the proposed use.
14. The Applicant did not object to any of the conditions proposed by planning department staff for attachment to the requested permit.

Based on the foregoing findings of fact, the Council hereby enters the following.

CONCLUSIONS OF LAW

1. During the hearing of this matter, the evidence submitted to the Council indicated that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
2. The proposed use meets all required conditions and specifications of the Asheboro Zoning Ordinance.
3. The Applicant's proposed use will not substantially injure the value of the adjoining or abutting property.
4. The location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.

Based on the above-recited findings of fact and conclusions of law, the Council hereby enters the following:

ORDER

Agape Christian Academy, and its successors and assigns, is hereby issued a Special Use Permit allowing an elementary school for grades Kindergarten through Eighth Grade with a maximum enrollment of 60 students and related activities on the Zoning Lot so long as the approved land use is conducted in compliance with the approved site plan, the provisions of the Asheboro Zoning Ordinance, and the following condition:

Significant existing vegetation shall be preserved where possible. Clearing and grading shall be permitted where necessary for construction of the parking areas, installation of the water and sewer lines as well as any other infrastructure and required improvements, and building of any structure(s) associated with the Special Use Permit.

Adopted by the Asheboro City Council in regular session on the 5th day of June 2008.

s/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

s/ Holly H. Doerr
Holly H. Doerr, City Clerk

(c) Findings of fact, conclusions of law, and order in the matter of SUP-08-02.

**Case No. SUP-08-02
City Council
City of Asheboro**

IN THE MATTER OF THE APPLICATION OF FIRST APOSTOLIC CHURCH FOR A SPECIAL USE PERMIT ALLOWING A CHURCH IN A RESIDENTIAL DISTRICT

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING THE REQUESTED SPECIAL USE PERMIT

THIS MATTER came before the Asheboro City Council (hereinafter referred to as the "Council") for hearing during a regular meeting of the Council that was held on April 10, 2008. Having considered all competent evidence and argument, the Council, on the basis of competent, material, and substantial evidence, does hereby make the following:

FINDINGS OF FACT

1. A representative of First Apostolic Church properly filed with the City of Asheboro Planning Department an application for a Special Use Permit authorizing a church in a residential zoning district. This application was submitted in order to allow First Apostolic Church (hereinafter referred to as the "Applicant") to construct new classrooms for the existing church. A Special Use Permit issued under planning department file no. SUP-03-02 authorized the operation of the existing church facilities.

2. The Applicant's facilities are located at 1424 NC Highway 42 South in Asheboro, and Randolph County Parcel Identification Number 7770144380 more specifically describes the parcel upon which the church facilities are located (hereinafter referred to as the "Zoning Lot").
3. The Zoning Lot encompasses approximately 8.387 acres of land.
4. The Growth Strategy Map designates the area in which the Zoning Lot is located as "Long Range Growth," and the Proposed Land Development Plan Map indicates that the Zoning Lot is located in an area designated as "Neighborhood Residential."
5. The area surrounding the Zoning Lot is low-density residential in character.
6. The city zoning for the Zoning Lot is R40 (low-density residential), and a church is permitted in an R40 zoning district with the issuance of a Special Use Permit.
7. NC Highway 42 South is a state-maintained major thoroughfare.
8. The site is outside the corporate limits of the City of Asheboro, and it is not served by any city services.
9. The existing church encompasses approximately 4,200 square feet. As shown on the submitted site plan, the educational building expansion will consist of approximately 1,680 square feet.
10. No additional parking spaces are required as a consequence of this addition.
11. The Applicant's submitted site plan does not propose any additional lighting.
12. The Reverend James Ellis, Pastor of First Apostolic Church, testified that there has been only 1 traffic accident during the 8 years that he has been associated with the church.
13. The Applicant has properly submitted a site plan and building elevations that have been reviewed by Planning Department staff members and found to comply with the regulations of the Asheboro Zoning Ordinance.
14. Rev. Ellis lives in close proximity to the church, and he has not noticed any decline in property values as a consequence of the presence of the church on the Zoning Lot.
15. On their face, the plans submitted by the Applicant for this project do not indicate the existence of any materials or design characteristics that pose an inherent or abnormal risk to the public health and safety.
16. No testimony was presented in opposition to the Applicant's request.

Based on the foregoing findings of fact, the Council makes the following:

CONCLUSIONS OF LAW

1. During the hearing of this matter, no evidence was produced to indicate that an unreasonable/dangerous amount of vehicular traffic or any other form of unreasonable endangerment has ever surfaced as a consequence of the Applicant's past activities at its current location. As to the future activities of the Applicant, the proposed use is simply augmenting its existing facilities with classrooms that appear to have no negative implications for the surrounding community's health and safety.
2. The proposed use meets all required conditions and specifications of the Asheboro Zoning Ordinance.
3. The Applicant's proposed use, which is a limited expansion of the existing use of the property for church facilities, will not substantially injure the value of adjoining or abutting property.
4. The location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.

Based on the above-recited findings of fact and conclusions of law, the Council hereby enters the following:

ORDER

First Apostolic Church, and its successors and assigns, is hereby issued a Special Use Permit allowing a church, specifically including the proposed addition, to be constructed and operated on the Zoning Lot so long as the approved land use is conducted in compliance with the approved site plan, the provisions of the Asheboro Zoning Ordinance, and the following condition:

If the Applicant chooses the alternative buffering option that utilizes existing vegetation in the locations indicated on the site plan west of the "woods line," further documentation shall be submitted to the planning department staff for review in accordance with the Asheboro Zoning Ordinance. Significant existing vegetation shall be preserved as shown on the site plan.

Adopted by the Asheboro City Council in regular session on the 5th day of June 2008.

s/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

s/ Holly H. Doerr
Holly H. Doerr, City Clerk

(d) Findings of fact, conclusions of law, and order in the matter of CUP-08-04.

[The above-referenced consent agenda item was continued by Council.]

(e) Findings of fact, conclusions of law, and order in the matter of CUP-08-19.

[The above-referenced consent agenda item was continued by Council.]

(f) Resolution authorizing the removal and disposal of two (2) surplus city-owned houses located at 146 and 152 North Cox Street adjacent to the library.

25 RES 06-08

**RESOLUTION DECLARING CERTAIN CITY-OWNED STRUCTURES TO BE SURPLUS PROPERTY
AND AUTHORIZING THE DISPOSAL OF SAID PROPERTY**

WHEREAS, the City of Asheboro owns two structures located at 146 North Cox Street and 152 North Cox Street, respectively; and

WHEREAS, each of these structures was originally constructed as a single-family dwelling unit; and

WHEREAS, the above-described structures (hereinafter collectively referred to as the "Abandoned Structures") are eligible for classification as surplus property because they are currently unutilized and are not needed for future use by the city; and

WHEREAS, the Abandoned Structures need to be moved because they are situated on land that the city staff proposes to grade and improve in order to enhance the physical facilities utilized by the adjoining Asheboro/Randolph County Public Library; and

WHEREAS, the possible relocation of the structures to another site has been examined and found to not be cost effective; and

WHEREAS, the most cost effective manner in which the city can implement the planned improvements at the public library is to demolish the Abandoned Structures and then dispose of the debris; and

WHEREAS, the proposed demolition of the Abandoned Structures by city forces will sever the structures from the land and render the debris valueless; and

WHEREAS, Section 160A-266(d) of the North Carolina General Statutes provides that the city may discard any personal property that "is determined to have no value."

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that the Abandoned Structures are hereby declared to be surplus property; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that these surplus Abandoned Structures are to be demolished by city forces as part of the proposed enhancements for the Asheboro/Randolph County Public Library facility, and the city manager is hereby directed to dispose of the resulting debris that will constitute valueless city-owned personal property at a demolition landfill in accordance with all applicable laws.

Adopted in regular session by the Asheboro City Council on the 5th day of June 2008.

s/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

s/ Holly H. Doerr
Holly H. Doerr, City Clerk

- (g) **Resolution authorizing the mayor and city clerk to enter into a municipal agreement with the North Carolina Department of Transportation to obtain federal-aid highway funds necessary to install railroad crossing signals at West Wainman Avenue, with the City of Asheboro's share of the installation cost estimated at \$15,900 (10% of the project cost), and the City of Asheboro's share of the maintenance cost estimated at \$1,290 per year (50% of the total maintenance cost).**

26 RES 06-08

**RESOLUTION AUTHORIZING A MUNICIPAL AGREEMENT WITH THE
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION**

WHEREAS, the North Carolina Department of Transportation (hereinafter referred to as the "NCDOT"), pursuant to the provisions of G.S. 136-18(12), proposes to contract with the Federal Highway Administration to obtain Federal-Aid funds for improvements in the protective devices at certain highway-railway at grade crossings on the Municipal Street System for which the City of Asheboro (hereinafter referred to as the "City") is responsible; and

WHEREAS, this project shall consist of the installation of certain automatic warning devices at the crossing of West Wainman Avenue and Norfolk Southern Railway Tracks (Crossing No. 722 490N); and

WHEREAS, the City will reimburse NCDOT for ten percent (10%) of any and all expenses incurred in the planning, design, and installation of the protective device by NCDOT and 100% of the cost not reimbursed by the Federal Highway Administration; and

WHEREAS, in order to carry out the aforesaid projects and to promote the public interest and general welfare of the City, it is necessary for the City to enter into a contract with NCDOT to provide for the installation and maintenance of the protective devices at certain highway-railway at grade crossings on the Municipal Street System; and

WHEREAS, the estimated cost to the City is \$15,900.00 (10% of the project cost) for the installation of railroad crossing signals at West Wainman Avenue, and the City's share of the on-going maintenance cost is estimated at \$1,290.00 per year (50% of the total maintenance cost); and

WHEREAS, the material terms and conditions of the above-referenced Agreement are attached hereto as EXHIBIT 1 and are hereby incorporated into this resolution by reference as if copied fully herein; and

WHEREAS, upon the recommendation of city staff, the City Council of the City of Asheboro is in agreement with the material terms and conditions of the proposed Agreement and wishes to proceed with the project as described above.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the Agreement attached hereto as EXHIBIT 1 is approved; and

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby formally authorized and directed to sign and execute with NCDOT a contract containing terms and conditions materially similar to the terms and conditions found in EXHIBIT 1 in order to obtain Federal-Aid highway funds and perform certain work necessary to improve the protective devices at the at grade crossing under Project Z-5008W.

RESOLUTION EXEMPTING A PROJECT FROM THE PROVISIONS OF ARTICLE 3D OF CHAPTER 143 OF THE NORTH CAROLINA GENERAL STATUTES

(Contract Administration/Inspection Services for the Malt-O-Meal Railroad Spur Project)

WHEREAS, Section 143-64.31 of Chapter 143, Article 3D of the North Carolina General Statutes provides in pertinent part as follows:

It is the public policy of this State and all public subdivisions and Local Governmental Units thereof . . . to announce all requirements for architectural, engineering, surveying, and construction management at risk services, to select firms qualified to provide such services on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee other than unit price information at this stage, and thereafter to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm; and

WHEREAS, Section 143-64.32 of the North Carolina General Statutes provides in pertinent part as follows:

Units of local government . . . may in writing exempt particular projects from the provisions of this Article (Article 3D) in the case of:

- (a) Proposed projects where an estimated professional fee is in an amount less than thirty thousand dollars (\$30,000), or
- (b) Other particular projects exempted in the sole discretion of . . . the unit of local government, stating the reasons therefore and the circumstances attendant thereto; and

WHEREAS, the City of Asheboro is in the process of undertaking an economic development project with Community Development Block Grant funding and funds from the Rail Division of the North Carolina Department of Transportation in order to construct a railroad spur that will meet the industrial rail service needs of Malt-O-Meal as it develops its Asheboro Mill with the accompanying job creation and investment in Asheboro and Randolph County; and

WHEREAS, in order to successfully implement and complete this project, the city will have to procure engineering services to successfully administer the construction contract and to conduct proper inspections of the construction activities undertaken by the city's contractor; and

WHEREAS, Summey Engineering Associates, PLLC of Asheboro, North Carolina was previously retained by Malt-O-Meal Company to provide local design and bid document preparation services for the Malt-O-Meal Railroad Spur construction project; and

WHEREAS, the city ultimately approved and adopted the design plans and bid documents prepared by Summey Engineering Associates, PLLC for use by the city in this public construction project; and

WHEREAS, Summey Engineering Associates, PLLC has proposed to provide the construction contract administration and construction inspection services needed by the city for the Malt-O-Meal Railroad Spur construction project in consideration of an estimated professional fee of Six Thousand Five Hundred and No/100 dollars (\$6,500.00); and

WHEREAS, on the basis of the firm's existing knowledge of the design and construction contract utilized for this project and the estimated professional fee for the requested engineering services, the city manager and the city engineer have concluded that Summey Engineering Associates, PLLC should be utilized to provide the construction contract administration and construction inspection services needed to successfully implement and complete this construction project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the engineering services needed for construction contract administration and construction inspection for the Malt-O-Meal Railroad Spur construction project are hereby exempted from the provisions of Article 3D of Chapter 143 of the North Carolina General Statutes on the basis of the unique familiarity of Summey Engineering Associates, PLLC with the design and construction contract utilized for this project and on the additional basis that the estimated professional fee for the needed engineering services is less than Thirty Thousand and No/100 dollars (\$30,000.00); and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute, in accordance with the applicable laws and the city's standard contracting policies, a contract with Summey Engineering Associates, PLLC for the provision of the engineering services described above.

Adopted by the Asheboro City Council in regular session on the 5th day of June 2008.

s/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

s/ Holly H. Doerr
Holly H. Doerr, City Clerk

- (k) **Appointment of Phil Skeen to the Fire Department Relief Fund Board.**

- (l) **Resolution approving certain job descriptions and allocations under the City of Asheboro position classification plan.**

29 RES 06-08

**RESOLUTION APPROVING CERTAIN POSITIONS OF EMPLOYMENT
AND JOB DESCRIPTIONS**

WHEREAS, the City of Asheboro Personnel Policies and Procedures Manual, promulgated by the City Manager and approved by resolution of the City Council of the City of Asheboro on March 4, 2004, and as amended, provides in Section 1 of Article II of the said manual that a position classification plan shall be prepared by the City Manager and adopted by the City Council; and

WHEREAS, such a position classification plan has been duly adopted by the City Council; and

WHEREAS, Section 10 of Article II of the City of Asheboro Personnel Policies and Procedures Manual provides, in pertinent part, as follows:

When a new position is established or the duties of an existing position change, the department head shall submit in writing a comprehensive job description describing in detail the duties of such a position. The city manager shall investigate the actual or suggested duties and recommend the appropriate class allocation or the establishment of a new class to the City Council for approval; and

WHEREAS, under the adopted position classification plan, the position of Property/Evidence Technician has previously been established with a pay grade of 15; and

WHEREAS, the Police Chief has recommended to the Director of Human Resources and the City Manager that the job description for this position of employment be changed, and

WHEREAS, the respective department heads have recommended the creation of new positions in the Police Department, Street Department, and in the Water Resources Division; and

WHEREAS, revised/new job descriptions submitted by the respective department heads to the Director of Human Resources and the City Manager for approval have been attached to this resolution as exhibits and are hereby incorporated into this resolution by reference as if copied fully herein. The revised/new job descriptions, job titles, and pay grades proposed for approval are identified as follows:

<u>Current Job Title</u>	<u>Proposed Job Title and Pay Grade</u>
Property/Evidence Technician	Property/Evidence Technician Grade 15 (Revised job description is attached as Exhibit 1)
Not Applicable/New Position	Property/Evidence Control Supervisor Grade 16 (Job description is attached as Exhibit 2)
Not Applicable/New Position	Street Operations Supervisor Grade 15 (With the creation of this position, a Street Foreman I position will be deleted.) (Job description is attached as Exhibit 3)
Not Applicable/New Position	Systems Maintenance Electrician/ Grade 14 Motor Controls Specialist (With the creation of this position, a Systems Maintenance Mechanic I position will be deleted.) (Job description is attached as Exhibit 4)

WHEREAS, on the basis of their determination that the city's personnel system and overall operations would be enhanced by adopting the proposals submitted by the respective department heads,

the Director of Human Resources and the City Manager have recommended approval of the proposed job titles, job descriptions, and pay grades listed in the immediately preceding paragraph.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the proposed job titles, job descriptions, and pay grades listed above are hereby approved without modification and with an effective date of July 1, 2008; and

BE IT FURTHER RESOLVED that any existing job title(s) and job description(s) found to be in conflict with the job titles and job descriptions that come into effect on July 1, 2008 shall be deleted as of July 1, 2008.

Adopted by the Asheboro City Council in regular session on the 5th day of June 2008.

s/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

s/ Holly H. Doerr
Holly H. Doerr, City Clerk

EXHIBIT 1

PROPERTY/EVIDENCE TECHNICIAN Police Department

**F.L.S.A.
NON-EXEMPT**

General Statement of Duties

A non-sworn position assigned to the Administrative Services Division and works under the direct supervision of the Property/Evidence Control Supervisor. This Property/Evidence Technician is responsible for maintaining the custodial control and maintenance of security over physical evidence and other property coming into the department's possession. The Property/Evidence Technician is also charged with the responsibility of maintaining an accurate record of all property which comes into the department's custody and recording its disposition. Another function of the Property/Evidence Technician is maintaining an accurate inventory, and location of property owned by the police department and assist with its maintenance and dispersal.

Distinguishing Features of the Class

This position involves technical work and the receipt, processing, safekeeping and disposition of evidence and found property items in the custody and control of the police department. Work involves the responsibility for maintaining procedures to ensure the integrity of the chain of evidence and found property items. The Property/Evidence Technician is responsible for ensuring that property and evidence held by the department is protected from loss or damage. Work is performed at the direction and supervision of the Property/Evidence Control Supervisor. The employee in this class must develop a thorough knowledge of departmental policies and procedures, as well as the legal aspects of property/evidence handling. This position requires work to be performed with relative independence. The job requires interaction with all levels of the department, coordination with other segments of the criminal justice system and dealing directly with the citizenry.

Illustrative Examples of Work

- Receives, catalogs, safeguards, stores and maintains evidence and found property items in the custody and control of the police department.
- Maintains procedures to ensure the integrity of the chain of evidence and found property items.
- Interacts with all levels of the department, coordinates with other segments of the criminal justice system and deals directly with the citizenry.
- Processes requests and inquiries by phone and in person.
- Testify in court when required as to evidence handling procedures and chain of custody.
- Operate computer terminals for the purpose of research on case dispositions and other related information involving the classification and disposition of property items.
- Prepare and Fax A.T.F. gun traces; access and retrieve case data from A.O.C. and Summit; and access information from D.C.I. & N.C.I.C. as needed in the performance of duties.
- Operates a computer by entering, withdrawing and modifying information as needed.
- Indexes and maintains computerized files in the property/evidence section.
- Maintain hardcopy files and written logs pertaining to property control; review property control reports for property description accuracy.
- Maintains and restocks evidence handling and packaging supplies.

- Maintain evidence, found and stored property, in such a manner that the individual items are secure from theft, loss or contamination, and can be located in a timely manner.
- Ensure the timely and correct notification of owners and legal release/disposal of property recovered, found, or seized by the department.
- Coordinate the legal and safe disposal of unclaimed property and the special disposal of items, such as but not limited to, drugs and weapons.
- Participate in coordinating periodic auctions; identify items to be auctioned and complete forms to release items; finalize disposition records of property.
- Release of property for court, to persons legally entitled, for auction and for destruction and maintain comprehensive records of each transaction and final disposition of property.
- Inventory property/evidence and specified police equipment on a periodic schedule; research and locate missing items.
- Stay abreast of local, State and Federal laws involving property/evidence handling and recommend appropriate changes.
- Maintain a clean and orderly property storage facility.
- Ensure the proper storing of specified police-owned property.
- Assist with the preparation and maintaining of accurate, up-to-date and thorough records of inventory and locations of specified property owned by the police department.
- Performs related work as assigned.

Knowledge, Skills and Abilities

Ability to operate a computer by entering, withdrawing and modifying information as needed as well as standard business software, including Word, Excel and Powerpoint.

Ability to operate a computer by entering, withdrawing and modifying information as needed.

Ability to communicate effectively both orally and in writing.

Ability to give effective testimony in a court of law.

Ability to process requests and inquiries by phone and in person.

Working knowledge of city, state and federal laws governing evidence and found property.

General ability to understand and follow oral and written instructions.

Ability to establish and maintain effective working relationships with the general public, department personnel and other city employees.

Minimum Experience and Training

Graduation from an accredited high school or have attained a G.E.D.

A two-year degree is desired, but not required.

Knowledge and ability to operate or be trained to operate, a computer terminal as required.

Prior experience in warehouse operations is preferred, but not required.

Special Requirements

Must possess a valid driver's license issued by the State of North Carolina.

Be able to obtain and maintain DCI certification within six months.

Be able to obtain and maintain status as Notary Public within six months.

Must live within 30 minutes distance from the Asheboro Police Department.

Must adhere to on-call practices and procedures followed by the Asheboro Police Department.

Physical Requirements

Will work indoors the majority of the time but may occasionally work outdoors. Typically sit at a desk or table; frequently walk, stand or stoop; regularly lift, carry, push, pull or otherwise move objects weighing up to 50 pounds, and ascend or descend step ladders. Be able to work for sustained periods of time maintaining concentrated attention to detail.

EXHIBIT 2

PROPERTY/EVIDENCE CONTROL SUPERVISOR Police Department

**F.L.S.A.
NON-EXEMPT**

General Statement of Duties

An employee in this non-sworn position is assigned to the Administrative Services Division and is responsible for administrative and supervisory work in the Property/Evidence Control Unit and will directly supervise the non-sworn Property/Evidence Technician. The Property/Evidence Control Supervisor is also responsible for the custodial control and maintenance of security over physical evidence and other property coming into the department's possession. The Property/Evidence Control Supervisor is also charged with the responsibility of ensuring that an accurate record of all property that comes into the department's custody and its disposition is maintained. Another function of the Property/Evidence Control

Supervisor is to ensure the maintenance of an accurate inventory, and location of property owned by the police department and assist with its maintenance and dispersal.

Distinguishing Features of the Class

The Property/Evidence Control Supervisor is responsible for the Property/Evidence Control Unit's efficient, effective, and secure operation. The Property/Evidence Control Supervisor will perform all of the duties of the Property/Evidence Technician as well as plan, coordinate and supervise the activities of the Property/Evidence Control Unit. Work is performed at the direction and supervision of the designated sworn supervisor. This position involves technical work and the receipt, processing, safekeeping and disposition of evidence and found property items in the custody and control of the police department as well as property owned by the police department. Work involves the responsibility for maintaining procedures to ensure the integrity of the chain of evidence and found property items. The Property/Evidence Supervisor is responsible for ensuring that property and evidence held by the department is protected from loss or damage. The employee in this class must develop a thorough knowledge of departmental policies and procedures, as well as the legal aspects of property/evidence handling. The job requires interaction with all levels of the department, coordination with other segments of the criminal justice system and dealing directly with the citizenry.

Illustrative Examples of Work

- Ensure that all duties and responsibilities are carried out within the framework of legal requirements, policies, procedures and guidelines.
- Plans, supervises and evaluates the work of assigned the Property/Evidence Technician by regularly reviewing the technician's work through direct observation and inspection of records and reports.
- Works with the Property/Evidence Technician to develop, implement, and monitor work plans to efficiently, effectively, safely and securely accomplish the duties of the Property/Evidence Unit.
- Develop a unit budget and participate in developing, recommending and implementing, plans, policies, systems and procedures pertaining to evidence and property handling.
- Plans, organizes, trains, supervises and evaluates the work and activities of the Property/Evidence Technician who is engaged in carrying out the duties of the Property/Evidence Unit.
- Supervises intake, storage, release, disposal and related procedures of all evidence and property collected by the police department.
- Ensures adherence to federal and state laws; local ordinances as well as city and departmental policies and procedures pertaining to property and evidence management.
- Plans, oversees and participates in the training of unit staff in the department's policies, procedures and guidelines.
- Evaluates submitted property and evidence to assure items have been correctly and adequately packaged and marked according to applicable laws and department policy and ensures the Property/Evidence Technician is doing likewise.
- Accounts for and ensure the security and integrity of evidence rooms and likewise, ensures that the law and strict procedures are followed on evidence storage and disposition.
- Accounts for and ensures that the critical chain of evidence (chain of custody) is maintained properly and testifies in court when required.
- Supervises and ensures the maintenance of evidence, found property, police –owned property and other related items in such a manner that the individual items are secure from theft, loss or contamination, and can be located in a timely manner.
- Ensures the timely and correct notification of owners of recovered and found property.
- Coordinates the legal and safe disposal of unclaimed property and the special disposal of items, such as but not limited to, drugs and weapons.
- Supervises the lawful release of property to officers, lawful property owners, court system, or other law enforcement agencies as required by law and ensures the proper, appropriate and lawful disposition of property while maintaining proper records of each transaction.
- Supervises the lawful release of property for sale at public auction according to state law, local ordinances and departmental policy and complies and maintains accurate records of all property transfers, releases and decisions made.
- Conducts periodic audits of evidence and property items held within the evidence room and the property owned by the police department; researching and locating missing items.
- Operate computer terminals for the purpose of research on case dispositions and other related information involving the classification and disposition of property items.
- Prepare and Fax A.T.F. gun traces; access and retrieve case data from A.O.C. and Summit; and access information from D.C.I. & N.C.I.C. as needed in the performance of duties.
- Operates a computer by entering, withdrawing and modifying information as needed.
- Indexes and maintains computerized files in the property/evidence section.
- Maintain hardcopy files and written logs pertaining to property control; review property control reports for property description accuracy.
- Maintains and restocks evidence handling and packaging supplies.
- Interacts with all levels of the department, coordinates with other segments of the criminal justice system and deals directly with the citizenry.

- Responsible for administrative duties as they pertain to property/evidence custody and such as: copying reports, notices, forms, and other written communications; routing paperwork to the appropriate files, personnel, and/or agencies; receiving incoming telephone calls requesting information pertaining to property and evidence; and compiling, recording and providing statistical data.
- Stay abreast of local, state and federal laws involving property/evidence handling and recommend appropriate changes in our policies and procedures as necessary.
- Maintain a clean and orderly property storage facility.
- Supervise and ensure the proper storing of specified police-owned property.
- Prepare and maintain accurate, up-to-date and thorough records of inventory and locations of specified property owned by the police department.
- Performs related work as assigned;

Knowledge, Skills and Abilities

Working knowledge of city, state and federal laws governing evidence and found property.
Ability to plan, schedule, coordinate and supervise the activities of the Evidence/Property technician.
Ability to organize, set priorities and exercise sound independent judgment within areas of responsibility.
Ability to exercise sound, independent judgment within general policy guidelines.
Ability to understand, interpret, apply, and explain relevant city, state and federal laws, regulations and policies.
Ability to prepare clear, concise, comprehensive reports and other written materials.
Ability to operate a computer by entering, withdrawing and modifying information as needed as well as standard business software, including Word, Excel and Powerpoint.
Ability to communicate effectively both orally and in writing.
Ability to give effective testimony in a court of law.
Ability to process requests and inquiries by phone and in person.
Ability to establish and maintain effective relationships with department staff, members of other governmental agencies, community and business organizations, employees, attorneys, the public and others encountered in the course of work.

Minimum Experience and Training

Graduation from an accredited high school or have attained a G.E.D.
A two-year degree is desired, but not required.
Knowledge and ability to operate or be trained to operate, a computer terminal as required.
Prior experience in warehouse operations is preferred, but not required.
Prior experience in property/evidence operations or management is required.

Special Requirements

Must possess a valid driver's license issued by the State of North Carolina.
Be able to obtain and maintain DCI certification within six months
Be able to obtain and maintain status as Notary Public within six months
Must live within 30 minutes distance from the Asheboro Police Department.
Must adhere to on-call practices and procedures followed by the Asheboro Police Department.

Physical Requirements

Will work indoors the majority of the time but may occasionally work outdoors. Typically sit at a desk or table; frequently walk, stand or stoop; regularly lift, carry, push, pull or otherwise move objects weighing up to 50 pounds, and ascend or descend step ladders. Be able to work for sustained periods of time maintaining concentrated attention to detail.

EXHIBIT 3

STREET OPERATIONS SUPERVISOR

Street Department
Public Works Division

**F.L.S.A.
NONEXEMPT**

General Statement of Duties

Performs responsible supervisory work in the maintenance of the city's streets and storm drains.

Distinguishing Features of the Class

An employee in this class is responsible for assisting the Street Superintendent and the Assistant Street Superintendent in planning, assigning, supervising, and training department work crews. Work also

involves assisting in training the crews in proper and safe procedures involved in operating equipment and work performance. Work is performed under the general supervision of the Street Superintendent through observation of work in progress, periodic conferences and by inspections of completed work.

Illustrative Examples of Work

- Assists in the direction of the operation of the Street Department in the absence of the department supervisor;
- Assists in the planning and scheduling of work activities;
- Inspects and supervises work performed by employees engaged in the installation, cleaning, maintenance, and repair of storm drains, as well as mowing, sweeping, leaf collection, and patching crews;
- Assigns and recommends assignment of employees to perform specific duties;
- Supervises and participates in the work of a crew engaged in mowing, sweeping, leaf collection, flushing, paving, and construction;
- Designs and implements traffic control plans for work zones;
- Supervises the care and minor maintenance of tools and equipment;
- Performs related duties as required.

Knowledge, Skills and Abilities

Considerable knowledge of methods employed and materials and equipment used in the construction and maintenance of streets and storm drains;
Considerable knowledge of the geography and topography of the land area of the city;
Ability to plan and lay out work accurately and to assign work to, instruct, and supervise employees engaged in all street department activities;
Comprehensive knowledge of the procedures and materials used in the construction and maintenance of catch basins;
Comprehensive knowledge of the layout of city streets;
Ability to instruct in proper work methods;
Ability to read grade stakes and follow predesignated course and grade;
Ability to perceive hazards involved in working in streets and to take precautionary measures;
Ability to complete paperwork pertaining to daily activities;
Ability to meet and deal courteously with the general public in answering complaints and request for services;
Ability to establish and maintain effective working relationships with department employees, other city employees and the general public.

Minimum Experience and Training

Graduation from an accredited high school. General knowledge of heavy equipment and street maintenance. Experience in the construction and maintenance of storm drains; or any equivalent combination of experience and training.

Special Requirements

Must possess a valid North Carolina driver's license and have a safe driving record.
Must possess or work toward a North Carolina Pesticide license for right-of-way spraying applications.
Must possess or work toward a Class "B" Commercial Driver's License (CDL).
Must possess or work toward certification in "First Aid/CPR";
Must possess or work toward certification in "Confined Space Entry Supervisor" Training;
Incumbent will be required to adhere to the "on-call" practices and procedures followed by the Street Department;

Physical Requirements

Must be able to properly lift from 75 to 100 pounds. Must be able to climb, crawl, and crouch. Exposed to noise, fumes, odors, and vibrations. Will work outdoors in varying weather conditions.

EXHIBIT 4

SYSTEMS MAINTENANCE ELECTRICIAN/MOTOR CONTROLS SPECIALIST

Systems Maintenance Department
Water Resources Division

**F.L.S.A.
NONEXEMPT**

General Statement of Duties

Performs skilled work in electrical maintenance, along with maintenance, and repair within water and wastewater treatment plants, including water storage tanks, pumping stations.

Distinguishing Features of the Class

An employee in this class is responsible for a variety of skilled tasks including maintenance and repair duties. The incumbent not only must use knowledge and skills gained through experience but also must exercise initiative and independent judgment in completing assignments without direct supervision. Work assignments are received from a supervisor who provides oral or written instructions as to the location and nature of work to be done. Supervision is regular. Work may be checked by observation while in progress or by inspection upon completion by Systems Maintenance Manager or Assistant Systems Maintenance Manager.

Illustrative Examples of Work

- Maintains and repairs electrical systems, plant equipment and machinery such as pumps, motors, mixers, communiters, and related equipment using various tools;
- Notifies superior when major repairs are needed; takes necessary action and/or notifies superior in case of emergency;
- Supervises and participates in electrical duties along with maintenance duties required in lubricating, cleaning and performing work on pumps, valves, feeder machines, screens, and related parts of the water and wastewater treatment plants, raw water pumping stations, wastewater lift stations and their auxiliary installations;
- Performs work using safe practices and procedures;
- Performs related work as required.

Knowledge, Skills and Abilities

Comprehensive knowledge of the equipment, machines, pumps, and related installations involved in water and wastewater treatment plants;
Comprehensive knowledge of electrical repair work, including knowledge of electric motor controls, generator transfer switches, main switchgears of varying voltages, VFD's, PLC's, & telemetry systems.
Knowledge of water and wastewater treatment plants and processes;
Comprehensive knowledge of safety practices and procedures;
Skill in operating the equipment used in assignments;
Ability to determine need for replacement or major overhaul of defective electrical components;
Ability to train and supervise Systems Maintenance Mechanic I, II, & III during an electrical assignment.
Ability to perform heavy manual work in varying weather conditions;
Ability to establish and maintain effective working relationships with other city employees.

Minimum Experience and Training

Graduation from an accredited high school, must possess a valid NC Electrical License supplemented with electrical courses related to NC Electrical Code, VFD's, PLC's, Motor Controls, & Associates Degree in electronics. Extensive knowledge in troubleshooting and the repair of a wide variety of generator transfer switches. Must have ten years experience in trouble shooting motor controls and industrial electrical maintenance. Must be able to obtain a Grade 2 certification in wastewater collections and a Grade C certification in water distribution with one school and two test attempts for each certification.

Special Requirement

Must possess a valid North Carolina driver's license (preferably a CDL Class B license) and have a safe driving record.
Valid NC Electrical License preferably of the unlimited classification.
Incumbent will be required to adhere to the "on-call" practices and procedures followed by the Division of Water Resources.

Physical Requirements

Must be able to lift 50 to 75 pounds. Will work outdoors in varying weather conditions.

OLD BUSINESS

5. Consideration of the proposed Daves Mountain Annexation project.

Mayor Jarrell offered his comments in regards to the proposed annexation of a portion of the Daves Mountain area and asked that the Council terminate the current process and direct the city staff to prepare a new plan for extending the municipal sanitary sewer system into the proposed Daves Mountain annexation area in a manner that conforms with the city's current design standards for the municipal sanitary sewer system.

Upon motion by Mr. Crisco and seconded by Mr. Baker, Council voted unanimously to terminate the current Daves Mountain annexation process and directed staff to prepare a new plan for the installation of a city-maintained sewer system within the Daves Mountain annexation area that conforms with the city's current design standards. With the adoption of this motion, the remaining agenda items pertaining to the proposed annexation of the Daves Mountain area were rendered moot.

NEW BUSINESS:

6. Public Comment Period.

Mr. Jeff Cox thanked the Council for taking the time to re-study the proposed annexation of the Daves Mountain area. Additionally, Mr. Cox inquired as to the Council's next step in the process. Mayor Jarrell expressed that the residents of Daves Mountain would be provided with pertinent information once the city prepares a new plan for extending the city's sanitary sewer system to the Daves Mountain area.

Mr. Ed Hyder of 918 Greenmont Drive expressed his questions about statutory requirements for the annexation process.

Mr. Danny Storie expressed that the residents of Daves Mountain did not wish to have city services provided within the Daves Mountain area. Additionally, Mr. Storie expressed that the residents were prepared to do whatever it takes to fight the annexation of the Daves Mountain area.

Mr. Chris Griffin of Berkley Lane thanked the Council for "stepping back" to think about the annexation project and expressed his appreciation for the city's efforts in revitalizing the downtown area. Additionally, Mr. Griffin felt that city money should be spent on projects other than city-initiated annexation, and he felt that the residents of Daves Mountain should have the chance to vote on whether or not the city should annex the area.

Mr. Lynn Lancaster expressed his concern that the city would significantly raise the citizens' water bills if the Daves Mountain area were annexed in the future.

Mr. Cliff Cremeans of Viewmont Drive expressed questions in regards to the cost of a gravity flow sewer system. Additionally, Mr. Cremeans asked if The Wooten Company would be assisting the city in preparing the new plan for the gravity flow sewer system to be extended into the Daves Mountain area.

Ms. Holly Moorhead felt that there was a lot of miscommunication in the Daves Mountain annexation process and asked the Council to consider meeting with the residents of Daves Mountain in order to address their concerns.

Ms. Amy Pugh thanked the Council for discontinuing the Daves Mountain annexation project.

[When questions were expressed by speakers about annexation plans, Mayor Jarrell reminded those in attendance that the annexation process for Daves Mountain had been terminated and that planning would have to be completed before specific answers could be provided.]

There being no further comments from the public, Mayor Jarrell closed the public comment period.

7. Land Use Issues:

- (a) RZ-08-22: Request to rezone from R-10 (Medium Density Residential) to RA-6. The properties of BSR, LLC are located at 1217 and 1227 Old State Highway and 3372 U.S. Highway 220 Business South and consist of approximately 2.407 acres of land. Randolph County Parcel Identification Numbers 7659553292, 7659556241, 7659556351, and 7659554311 more specifically identify the property.

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely presented the staff's analysis of the request by BSR, LLC (Heath Craven) to rezone the above-referenced property from R-10 Medium Density Residential to RA-6 High Density Residential. The Planning Department Staff recommended denial of the request based on the following:

"The property is designated by the land development plan for neighborhood residential use. The neighborhood residential designation emphasizes the accommodation of existing residential neighborhoods of similar density while

limiting multi-family residential use. The location of the subject property on a major thoroughfare with some mixed uses in the general vicinity increases the validity of the request. However, the lack of high-density multi-family residential zoning in the immediate area along with the land development plan's neighborhood residential designation makes the request incompatible with the map and several of the goals and policies of the land development plan.

Considering these factors, staff concludes that the current zoning district is appropriate for the subject properties and allows a reasonable use of the properties be permitting either single or two-family development."

The Planning Board recommended approval of the request in that the "property's location on a major thoroughfare (U.S. Highway 220 Business South) and proximity to a mix of land uses, the RA-6 (High Density Residential) zoning designation was appropriate."

On behalf of the Applicant, Mr. Ben Morgan, Esq. presented comments in support of the requested rezoning.

Mr. Phil Outen of 3328 U.S. Highway 220 Business South presented comments in opposition to the requested rezoning.

There being no further comments nor opposition from the public, Mayor Jarrell closed the public hearing.

Upon motion by Mr. Moffitt and seconded by Mr. Burks, Council, by a 4 to 3 vote, voted to accept the recommendation of the Planning Board and placed the above-described property in a RA-6 High Density Residential zoning district. Council Members Baker, Burks, Carter, and Moffitt voted in favor of the motion. Council Members Crisco, Priest, and Smith voted no.

- (b) SUP-08-03: Request for Special Use Permit for Storage of Combustible/Flammable Liquids Over 100,000 Gallons Aggregate (Propane Storage). The property of Harold W. Campbell and Kennan Hill is located on the south side of Oakhurst Drive approximately 700 feet east of U.S. Highway 220 Business South and consists of approximately 13,470 square feet. Randolph County Parcel Identification Number 7659666105 more specifically identifies the property.

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely presented a written request from the Applicant to continue the above-referenced item to the Council's regular July meeting.

Upon motion by Mr. Smith and seconded by Mr. Crisco, Council voted unanimously to continue the above-referenced item to the Council's regular July meeting.

- (c) RZ-08-23: Request for Technical Amendments to the Asheboro Zoning Ordinance. An application filed by the City of Asheboro to amend Table 200-2 of the Asheboro Zoning Ordinance.

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely presented the Planning Department Staff's proposed amendment of Table 200-2, Note 16 regarding mixed uses (residential and non-residential uses) within a structure in the OA-6 (Office/Apartment) and B-3 (Central Business) zoning districts. Additionally, the staff proposes to change Table 200-2 by deleting the allowance of a dwelling within a mixed-use structure in the O&I (Office and Institutional) zoning district.

The Planning Department Staff and the Planning Board recommended approval of the requested amendments to the Asheboro Zoning Ordinance based on the following:

"The proposed amendments address the goals and policies of the land development plan that encourage mixed uses composed of residential and non-residential occupancy in a single structure where appropriate. Allowing the use of a ground floor for residential purposes in a structure that is also utilized for non-residential purposes increases the flexibility to utilize a dwelling for its original purpose (i.e. the kitchen facilities may be located on the ground floor) and potentially encourages the revitalization of underutilized structures. Considering the limitation of allowing ground floor residential in the OA-6 district only, staff does not feel that this residential use will negatively affect the vibrancy of the B-3 central business district and the goals and policies of the land

development plan in encouraging vibrant ground level commercial activity. Staff also reiterates that in order for residential use of a ground floor to occur, all building and fire codes will have to be met and maintained. Staff also proposes these technical amendments to clarify vague language considering dwellings within mixed-use structures and to remove any obsolete language. Considering all of these factors, staff feels that the proposed amendments correct language that is outdated or vague and also increases the flexibility of the Zoning Ordinance while maintaining the public health, safety and general welfare.”

There being no comments and no opposition from the public, Mayor Jarrell closed the public hearing.

Upon motion by Mr. Baker and seconded by Ms. Carter, Council voted unanimously to accept the recommendation of the Planning Board and approved, as presented, the proposed amendments to the Asheboro Zoning Ordinance. A copy of the approved text of the amendments is on file in the City Clerk’s office.

- (d) RZ-08-24: Request for Technical Amendments to the Asheboro Zoning Ordinance. An application filed by the City of Asheboro to amend Table 200-2 and Note 16, Section 309A, and Article 1100 of the Asheboro Zoning Ordinance.

Mr. Neely presented the Planning Department Staff’s proposed amendments to Table 200-2 and Note 16, Section 309A, and Article 1100 in regards to vehicle towing operations. The staff proposed the amendments in order to clarify the required screening for vehicle towing operations and storage yards and a change in the maximum number of vehicles permitted for storage (Section 309A).

The Planning Department Staff and the Planning Board recommended approval based on the following:

“The proposed amendments clarify vague language concerning vehicle towing operations, the types of commercial vehicles that are considered open storage and clarifies when major automobile repair is permitted as an accessory use to an automobile dealership. Additionally, staff supports limiting vehicle towing facilities (storing towed vehicles in a yard and/or building) to industrially zoned districts, as staff believes this use presents external impacts to adjoining properties that are more similar to industrial uses rather than commercial (i.e. B-2) land uses. The proposed amendments are consistent with the goals and policies of the land development and therefore are in the public interest in addressing the public health, safety and general welfare.”

There being no comments and no opposition from the public, Mayor Jarrell closed the public hearing.

Upon motion by Mr. Crisco and seconded by Mr. Burks, Council voted unanimously to accept the recommendation of the Planning Board and approved, as presented, the proposed amendments to the Asheboro Zoning Ordinance. A copy of the approved text of the amendments is on file in the City Clerk’s office.

- (e) RZ-08-25: Request for Technical Amendments to the Asheboro Zoning Ordinance. An application filed by the City of Asheboro to amend Article 400 and Article 1100 of the Asheboro Zoning Ordinance.

Mayor Jarrell opened the public hearing on the following request.

Mr. Neely presented the Planning Department Staff’s proposed amendments to the parking provisions found in Articles 400 and 1100 of the Asheboro Zoning Ordinance. The Planning Department Staff and the Planning Board recommended approval based on the following:

“These technical amendments clarify vague language concerning parking, maneuvering, paving and access requirements of Article 400 and the applicable definitions found in Article 1100. The technical amendments also address the provision of offsite parking and recommend removal of this provision in locations in which this provision is less feasible. The proposed amendments also address various parking and site plan issues concerning two-family dwellings which increases the compatibility of these dwellings with adjoining land uses. Staff believes that these technical amendments are in the public interest and address the public health, safety and general welfare.”

There being no comments and no opposition from the public, Mayor Jarrell closed the public hearing.

Upon motion by Mr. Crisco and seconded by Ms. Carter, Council voted unanimously to accept the recommendation of the Planning Board, and approved, as presented, the technical amendments to the Asheboro Zoning Ordinance. A copy of the approved text of the amendments is on file in the City Clerk's office.

8. Consideration of a petition received from Oakmont Estates, Inc. and Mark Steven Brady requesting non-contiguous annexation of 4.13 acres along Little Gate Drive.

Mayor Jarrell opened the public hearing on the annexation 4.13 acres of land located along Little Gate Drive.

There being no comments and no opposition from the public, Mayor Jarrell closed the public hearing.

Mr. Bunker presented and recommended adoption, by reference, of an ordinance to extend the corporate limits of the City of Asheboro, North Carolina.

Upon motion by Mr. Priest and seconded by Mr. Moffitt, Council voted unanimously to adopt the following ordinance by reference.

Ordinance Number 33 ORD 06-08
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEBORO, NORTH CAROLINA
(4.13 Acres of Land along Little Gate Drive)

WHEREAS, pursuant to Section 160A-58.1 of the North Carolina General Statutes, a petition executed by Oakmont Estates, Inc., Mark Steven Brady, Chasity Jean Brady, Maria Cristina Hernandez Dominguez, and Jaime Lopez Morales, who are the owners of all of the real property located within the area hereinafter described, was heretofore presented to the City Council of the City of Asheboro, by which petition a request was made that the said area be annexed to the City of Asheboro; and

WHEREAS, the City Council has, by resolution, directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, the City Clerk has certified the sufficiency of the petition, and a public hearing on the question of this annexation was held in the Conference Room of the City of Asheboro Public Works Facility, which is located at 1312 North Fayetteville Street in the City of Asheboro, North Carolina, during a regular meeting of the City Council that was held on the 5th day of June 2008 after due notice by publication was given in *The Courier-Tribune*, a newspaper having general circulation in the City of Asheboro, Randolph County, North Carolina, on May 22, 2008; and

WHEREAS, the city council finds that the area described within the petition meets the standards of Section 160A-58.1(b) of the North Carolina General Statutes, to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the primary corporate limits of the City of Asheboro; and
- b. No point on the proposed satellite corporate limits is closer to the primary corporate limits of another municipality than to the primary corporate limits of the City of Asheboro; and
- c. The area described is so situated that the City of Asheboro will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits; and
- d. No subdivision, as defined in Section 160A-376 of the North Carolina General Statutes, will be fragmented by this proposed annexation; and
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed twenty percent (20%) of the area within the primary corporate limits of the City of Asheboro; and

WHEREAS, the City Council further finds that the petition has been signed by all of the owners of real property in the area who are required by law to sign; and

WHEREAS, the City Council further finds that the petition is otherwise valid and that the public health, safety, and welfare of the City of Asheboro and the area proposed for annexation will be best served by annexing the area described.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina as follows:

Section 1. By virtue of the authority granted in Section 160A-58.2 of the North Carolina General Statutes, the following described non-contiguous territory is annexed and attached to, and hereby becomes a part of the City of Asheboro, and is described as follows:

Asheboro Township, Randolph County, North Carolina:

BEGINNING at a new iron rod set at the southeast corner of the Oakmont Estates, Inc. property described as Lot 4 on a minor subdivision plat recorded in Plat Book 106, Page 71, Randolph County Public Registry, the said point is located by means of the North Carolina Coordinate System at the coordinates of North 717,928.67 feet and East 1,755,549.49 feet (NAD 27); thence from the said Beginning point along the property described in Deed Book 1503, Page 894, Randolph County Public Registry, and in which John and Ottie Lucas have reserved a life estate, the following course and distance: North 01 degree 44 minutes 10 seconds East 34.51 feet to a new iron rod; thence North 02 degrees 15 minutes 12 seconds East 61.95 feet along the Chandlers Way, LLC property described in Deed Book 1845, Page 1312, Randolph County Public Registry to a new iron rod set in the southern margin of the 60-foot right-of-way for Little Gate Drive (North Carolina Secondary Road 1479); thence along the southern margin of the right-of-way for Little Gate Drive the following course and distance: South 87 degrees 16 minutes 33 seconds East 170.70 feet to a point on the western margin of the 60-foot right-of-way for Peachtree Street (North Carolina Secondary Road 1484); thence along the western margin of the right-of-way for Peachtree Street the following courses and distances: North 02 degrees 04 minutes 06 seconds East 60.00 feet to an existing iron pipe; thence North 02 degrees 04 minutes 06 seconds East 70.00 feet to a new iron rod; thence North 02 degrees 04 minutes 06 seconds East 50.00 feet to a new iron rod; thence along the Mark B. Trollinger, Rhonda J. Trollinger, and others property described in Deed Book 1634, Page 955, Randolph County Public Registry the following courses and distances: North 87 degrees 55 minutes 54 seconds West 129.99 feet to a new iron rod; thence North 87 degrees 55 minutes 54 seconds West 40.70 feet to a new iron rod; thence North 02 degrees 07 minutes 12 seconds East 55.49 feet to a new iron rod; thence along the Oakmont Estates property described in Deed Book 695, Page 334 and in Plat Book 3, Page 18, Randolph County Public Registry the following courses and distances: North 87 degrees 55 minutes 54 seconds West 60.04 feet to a new iron rod; thence North 87 degrees 55 minutes 54 seconds West 337.50 feet to a new iron rod set in the eastern margin of the 100-foot right-of-way for the Norfolk Southern Railroad; thence along the eastern margin of the right-of-way for the Norfolk Southern Railroad the following courses and distances: South 26 degrees 54 minutes 23 seconds West 30.42 feet to a point not set; thence South 21 degrees 44 minutes 01 second West 109.75 feet to a point not set; thence South 17 degrees 36 minutes 20 seconds West 39.12 feet to a new iron rod; thence South 16 degrees 40 minutes 25 seconds West 61.83 feet to a new iron rod; thence South 14 degrees 35 minutes 19 seconds West 52.69 feet to a point not set; thence South 11 degrees 52 minutes 16 seconds West 50.82 feet to a new iron rod; thence along the Ruth Ann Staples property described in Deed Book 1556, Page 1675, Randolph County Public Registry the following courses and distances: South 87 degrees 55 minutes 54 seconds East 193.03 feet to a new iron rod; thence South 87 degrees 55 minutes 54 seconds East 160.00 feet to a new iron rod; thence South 87 degrees 55 minutes 54 seconds East 160.32 feet to the point and place of the BEGINNING, and containing 4.13 acres of land, more or less, to be annexed.

This description is in accordance with a plat of survey entitled "Annexation Survey For Oakmont Estates Division Little Gate Drive" that was drawn under the supervision of Philip M. Henley, Professional Land Surveyor with Registration No. L-1494. The said plat of survey was dated April 24, 2008.

Section 2. Upon and after June 5, 2008, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. Said territory shall be subject to municipal taxes according to Section 160A-58.10 of the North Carolina General Statutes.

Section 3. The Mayor of the City of Asheboro shall cause to be recorded in the Office of the Register of Deeds of Randolph County, and in the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly

certified copy of this ordinance. Such a map shall also be delivered to the Randolph County Board of Elections, as required by Section 163-288.1 of the North Carolina General Statutes.

Section 4. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall take effect and be in force from and after the date of its adoption.

Adopted by the Asheboro City Council in regular session on the 5th day of June, 2008.

s/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

s/ Holly H. Doerr
Holly H. Doerr, City Clerk

Approved as to form:

s/ Jeffrey C. Sugg
Jeffrey C. Sugg, City Attorney

9. Consideration of a petition received from Moffitts, Inc. requesting non-contiguous annexation of 124.377 acres along the north side of Old Humble Mill Road.

Due to a conflict of interest, Mayor Jarrell asked that Mr. Moffitt be excused from any discussion and action regarding the above-referenced item. A motion was made by Mr. Baker and seconded by Mr. Crisco to excuse Mr. Moffitt from any discussion and voting. Council Members Baker, Burks, Carter, Crisco, Priest, and Smith unanimously adopted this motion.

Mr. Bunker presented and recommended adoption, by reference, of a resolution directing the city clerk to investigate a petition requesting non-contiguous annexation of 124.377 acres of land along the north side of Old Humble Mill Road.

Upon motion by Mr. Priest and seconded by Mr. Smith, Council voted unanimously to adopt the following resolution by reference.

33 RES 06-08

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN ANNEXATION PETITION

(124.377 Acres of Land along the North Side of Old Humble Mill Road)

WHEREAS, a petition requesting the annexation of an area described in the said petition as approximately 124.377 acres of land located along the north side of Old Humble Mill Road has been received by the City Council of the City of Asheboro from Moffitts, Inc.; and

WHEREAS, Section 160A-58.2 of the North Carolina General Statutes provides that the sufficiency of the petition shall be investigated by the city clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Asheboro deems it advisable to proceed in response to this request for annexation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that the city clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the council the results of her investigation.

Adopted by the Asheboro City Council in regular session on the 5th day of June, 2008.

s/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

s/ Holly H. Doerr
Holly H. Doerr, City Clerk

CERTIFICATE OF SUFFICIENCY

(124.377 Acres of Land along the North Side of Old Humble Mill Road)

TO: The City Council of the City of Asheboro, North Carolina:

I, Holly H. Doerr, City Clerk for the City of Asheboro, North Carolina, do hereby certify that I have investigated the petition attached hereto. As a consequence of that investigation, I have found as a fact that said petition is signed by all of the owners of the real property lying in the area described therein, and the petition appears to be sufficient to satisfy the provisions of Section 160A-58.1 of the North Carolina General Statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro, North Carolina on this the 5th day of June 2008.

(SEAL)

s/ Holly H. Doerr
Holly H. Doerr, City Clerk

As a consequence of the receipt of written certification from the City Clerk as to the sufficiency of said annexation petition, Mr. Bunker presented and recommended adoption, by reference, of a resolution fixing the date for a public hearing on the question of annexation.

Upon motion by Mr. Smith and seconded by Mr. Burks, Council voted unanimously to adopt the following resolution by reference.

31 RES 06-08

**RESOLUTION SETTING DATE OF PUBLIC HEARING ON THE QUESTION OF ANNEXATION
PURSUANT TO SECTION 160A-58.2 OF THE
NORTH CAROLINA GENERAL STATUTES**

(124.377 Acres of Land along the North Side of Old Humble Mill Road)

WHEREAS, a petition requesting annexation of the non-contiguous area described therein has been received; and

WHEREAS, the City Council of the City of Asheboro, North Carolina has, by resolution, directed the city clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the city clerk as to the sufficiency of the said petition has been made.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina as follows:

Section 1. A public hearing on the question of the annexation of the non-contiguous area described herein will be held at noon on the 24th day of June 2008 in the Council Chamber of the City of Asheboro Municipal Building, which is located at 146 North Church Street in Asheboro, North Carolina.

Section 2. The area proposed for annexation is described on the attached sheet, which is identified as Exhibit 1, and is hereby incorporated into this resolution by reference as if copied fully herein.

Section 3. Notice of the said public hearing shall be published in *The Courier-Tribune*, a newspaper having general circulation in the City of Asheboro, at least ten (10) days prior to the date of said public hearing.

Adopted by the Asheboro City Council in regular session on the 5th day of June 2008.

s/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

s/ Holly H. Doerr
Holly H. Doerr, City Clerk

Exhibit 1

Grant Township, Randolph County, North Carolina:

BEGINNING at a point in the northern margin of the right-of-way for Old Humble Mill Road (North Carolina Secondary Road 2830), the said point is located North 45 degrees 34 minutes 29 seconds East 4,295.26 feet from the intersection of the centerline of Old Humble Mill Road with the centerline of Old Cox Road (North Carolina Secondary Road 2834); thence from the said Beginning point along the northern margin of the right-of-way for Old Humble Mill Road in a southwesterly direction along an arc having a radius of 4,724.64 feet a chord bearing and distance of South 76 degrees 40 minutes 43 seconds West 217.97 feet to a right-of-way monument; thence continuing along the northern margin of the right-of-way for Old Humble Mill Road by following in a southwesterly direction three additional curves that are described as follows: an arc with a radius of 2,307.61 feet a chord bearing and distance of South 73 degrees 34 minutes 43 seconds West 156.46 feet to a point; thence along an arc with a radius of 1,465.72 feet a chord bearing and distance of South 69 degrees 11 minutes 57 seconds West 135.75 feet to a point; thence along an arc with a radius of 830.23 feet a chord bearing and distance of South 62 degrees 31 minutes 20 seconds West 134.42 feet to a point; thence departing from the northern margin of the right-of-way and running along the James H. Humble property described in Estate File 84E, Page 246 in the office of the Randolph County Clerk of Superior Court and in Deed Book 701, Page 292, Randolph County Public Registry the following course and distance: South 70 degrees 28 minutes 08 seconds West 918.64 feet to an existing axle; thence North 59 degrees 20 minutes 28 seconds West 540.33 feet along the north bank of Richland Creek to a point in the eastern property line of the City of Asheboro Pump Station property described in Deed Book 1409, Page 1215, Randolph County Public Registry; thence along the City of Asheboro Pump Station property the following courses and distances: North 24 degrees 42 minutes 59 seconds East 173.95 feet to a new iron pin; thence North 55 degrees 33 minutes 27 seconds West 229.57 feet to an existing iron pin; thence South 26 degrees 22 minutes 21 seconds West 291.54 feet to a point on the north bank of Richland Creek; thence along the north bank of Richland Creek the following courses and distances: North 76 degrees 53 minutes 00 seconds West 160.05 feet to a point; thence South 82 degrees 49 minutes 29 seconds West 224.02 feet to a point; thence along the north bank of Vestal Creek the following courses and distances: North 61 degrees 23 minutes 46 seconds West 213.79 feet to a point; thence North 39 degrees 20 minutes 00 seconds West 55.36 feet to a point; thence North 31 degrees 31 minutes 00 seconds West 148.10 feet to an existing iron pin; thence along the James Sides property described in Deed Book 1253, Page 1027, Randolph County Public Registry the following courses and distances: North 28 degrees 49 minutes 10 seconds East 95.71 feet to an existing iron pin; thence North 28 degrees 49 minutes 10 seconds East 1,195.05 feet to an existing iron pin and stones; thence North 04 degrees 51 minutes 15 seconds East 806.44 feet along the James Sides property described in Deed Book 1129, Page 702, Randolph County Public Registry to an existing iron pin and stones; thence South 85 degrees 11 minutes 39 seconds East 703.73 feet along the James Sides property described in Deed Book 1141, Page 115, Randolph County Public Registry to a point not set; thence South 85 degrees 11 minutes 39 seconds East 1,428.70 feet along the Canter Family LLC property described in Deed Book 1840, Page 1824, Randolph County Public Registry to a stone; thence South 84 degrees 47 minutes 40 seconds East 176.30 feet along the Leonard J. Cox property described in Deed Book 1401, Page 679, Randolph County Public Registry to an existing iron pin and stone; thence along the Roy Wright property described in Deed Book 1931, Page 658, Randolph County Public Registry the following courses and distances: South 03 degrees 59 minutes 20 seconds West 1,640.83 feet to an existing iron pin located on the north side of a small branch; thence South 04 degrees 26 minutes 45 seconds West 167.77 feet to an existing iron pin; thence South 04 degrees 26 minutes 45 seconds West 5.83 feet to the point and place of BEGINNING, and containing 124.377 acres of land, more or less, to be annexed.

The above-listed description is in accordance with a plat of survey entitled "Annexation Plat Prepared For The City Of Asheboro 'Richland Village Mobile Home Park.'" This plat of survey was drawn under the supervision of Steven D. Brown, Professional Land Surveyor with Registration Number L-1435, from an actual survey made under his supervision. The said plat of survey is dated May 11, 1998 with revision dates of November 13, 2007 and May 22, 2008. The job number for the plat of survey is 98010Annex.

10. First reading of an ordinance renewing the taxicab franchise awarded to Asheboro Taxi Service.

At the request of city staff and upon motion by Mr. Smith and seconded by Mr. Crisco, Council voted unanimously to continue the above-referenced item to the Council's regular July meeting. The staff requested this continuance because the applicant has not submitted the appropriate renewal application.

11. Discussion of items not on the agenda.

- Upon motion by Mr. Crisco and seconded by Ms. Carter, Council voted unanimously to return the location of the council's meetings to the Council Chamber located at Asheboro City Hall located at 146 North Church Street.

- Mr. Ogburn reminded everyone of the following upcoming events:
 - (a) Saturday, June 7, 2008 – 10:00 a.m. until 4:00 p.m. – Air Show at the Asheboro Regional Airport.
 - (b) Monday, June 9, 2008 – 4:30 p.m. – Special Joint Meeting with the Randolph County Board of Commissioners in the Commissioners' meeting room located at 725 McDowell Road, Asheboro.
 - (c) Thursday, June 12, 2008 – 7:00 p.m. – Special City Council Meeting and Budget Workshop.
 - (d) Monday, June 23, 2008 – Potential date for a public hearing regarding a possible economic development project.
 - (e) Tuesday, June 24, 2008 – 12:00 p.m. – Special City Council Meeting.
- Mr. Smith proposed that the Council revisit and discuss Council's action regarding Land Use Item Number 7(a) – RZ-08-22. Ms. Carter moved that the Council reconsider its action on Item Number 7(a). Mr. Burks seconded the motion, and Council voted to reconsider Item Number 7(a).

Throughout discussion, Council Members expressed their opinions and concerns in regards to the rezoning of the BSR, LLC property consisting of approximately 2.407 acres of land located at 1217 and 1227 Old State Highway and 3372 U.S. Highway 220 Business South. Mr. Moffitt felt that the requested rezoning (RA-6) was appropriate for the area, while Mr. Smith was concerned that the possible development of the property would not be appropriate for the neighborhood.

Upon motion by Mr. Moffitt and seconded by Mr. Burks, Council, by a 6 to 1 vote, accepted the recommendation of the Planning Board and placed the above-described property in a RA-6 High Density Residential zoning district. Council Members Baker, Burks, Carter, Crisco, Moffitt, and Priest voted in favor of the motion. Council Member Smith voted no.

There being no further business, the meeting was adjourned at 8:43 p.m.

s/ Holly H. Doerr
Holly H. Doerr, City Clerk

s/ David H. Jarrell
David H. Jarrell, Mayor